

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

**UNITED STATES DISTRICT COURT**  
**DISTRICT OF NEVADA**

\*\*\*

JAMES COHAN,

Plaintiff,

vs.

STATE OF NEVADA,

Defendant.

Case No. 2:21-cv-01807-GMN-VCF

**REPORT AND RECOMMENDATION FOR  
DISMISSAL**

I previously granted pro se plaintiff James Cohan's application to proceed in forma pauperis (ECF No. 1) and dismissed his complaint without prejudice with leave to amend. (ECF No. 4). The Court dismissed his case (a lawsuit against the State of Nevada, a judge, the district attorney, and a police officer regarding alleged double jeopardy in violation of US Constitution) because he failed to state a claim. *Id.* I gave plaintiff thirty days to file an amended complaint and warned that, "[f]ailure to timely file an amended complaint that addresses the deficiencies noted in this Order may result in a recommendation that the dismissed claims be dismissed with prejudice." *Id.*

The Court also warned the plaintiff that, "[p]ursuant to LR IA 3-1, the plaintiff must immediately file written notification with the court of any change of address...Failure to comply with this rule may result in dismissal of the action." *Id.* Plaintiff has not filed an amended complaint or an objection to my order. For the reasons discussed in my order (ECF No. 4), plaintiff's case should be dismissed.

ACCORDINGLY,

I RECOMMEND that this action be DISMISSED and Judgment entered

**NOTICE**

Pursuant to Local Rules IB 3-1 and IB 3-2, a party may object to orders and reports and

1 recommendations issued by the magistrate judge. Objections must be in writing and filed with the Clerk  
2 of the Court within fourteen days. LR IB 3-1, 3-2. The Supreme Court has held that the courts of appeal  
3 may determine that an appeal has been waived due to the failure to file objections within the specified  
4 time. *Thomas v. Arn*, 474 U.S. 140, 142 (1985). This circuit has also held that (1) failure to file  
5 objections within the specified time and (2) failure to properly address and brief the objectionable issues  
6 waives the right to appeal the District Court's order and/or appeal factual issues from the order of the  
7 District Court. *Martinez v. Ylst*, 951 F.2d 1153, 1157 (9th Cir. 1991); *Britt v. Simi Valley United Sch.*  
8 *Dist.*, 708 F.2d 452, 454 (9th Cir. 1983). Pursuant to LR IA 3-1, the plaintiff must immediately file  
9 written notification with the court of any change of address. The notification must include proof of  
10 service upon each opposing party's attorney, or upon the opposing party if the party is unrepresented by  
11 counsel. Failure to comply with this rule may result in dismissal of the action.

12 IT IS SO ORDERED.

13 DATED this 7th day of March 2022.

14 

15 CAM FERENBACH  
16 UNITED STATES MAGISTRATE JUDGE  
17  
18  
19  
20  
21  
22  
23  
24  
25